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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) CASE NO. CV 20-7811 RS
17 Plaintiff,)
18 v.) **UNITED STATES' OPPOSITION TO BATTLE**
19 Approximately 69,370 Bitcoin (BTC), Bitcoin) **BORN'S EX PARTE APPLICATION TO**
Gold (BTG), Bitcoin SV (BSV), and Bitcoin) **CONTINUE THE HEARING ON ITS MOTION**
Cash (BCH) seized from) **TO STAY ENFORCEMENT OF THE**
1HQ3Go3ggs8pFnXuHVHRytPCq5fGG8Hbhx) **JUDGMENT**
Defendant.)

The United States of America hereby opposes the Ex Parte Application to Continue the Hearing for the reasons stated in its opposition to the Motion to Stay Enforcement of the Judgment. Dkt. No. 156.¹

Ironically, Battle Born filed this application to continue the hearing after the Court issued an Order proposing a compromise solution that would vacate the hearing while preserving the defendant property. Dkt. No. 157 2:4-12. The United States attempted to meet and confer regarding this Order three times, but Battle Born refused to meet and confer. Dkt. 168-1. The United States followed up with an email that memorialized the final refusal and indicated an amenability to the Court's proposed solution (or the filing of a Rule 62 bond), but Battle Born continues to refuse to meet and confer. *Ibid.*

Battle Born now demands its preferred solution to this problem of its own making, and it is unwilling to discuss or suggest solutions that protect the government's interests. Battle Born filed the Rule 62 motion and set the hearing date. Shortly after the government filed its opposition, Battle Born replaced its own counsel and is now demanding a delay. Battle Born has rejected proposals by the Court and the United States that would mitigate the risk to the defendant property, and it has not offered alternative solutions to mitigate that risk. Battle Born should not be allowed to manufacture a delay and at the same time prevent the government from mitigating the risk to the value of the defendant property.

For these reasons, Battle Born's application should be denied.

DATED: 12/6/2024

Respectfully submitted,

ISMAIL J. RAMSEY
United States Attorney

/s/ David Countryman
DAVID COUNTRYMAN
Assistant United States Attorney

¹ While the United States believes that this application, as well as the previous motion, should be denied for the reasons discussed in its previous opposition—in short: Battle Born lost (here and on appeal) and the case has been completely and finally adjudicated on its merits—the United States understands and appreciates the Court’s compromise solution, albeit with concerns about the potential for a delay in filing the Rule 60 motion.